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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

MARSHA DeBUFF,

Plaintiff.

Case No. 9: 15-cv-

vs.

WALGREEN COMPANY

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff alleges:

I. PARTIES:

1. Plaintiff is a resident of and domiciled in Kalispell, Montana. She is a

qualified individual under the Americans With Disabilities Act [the Act]

2. Defendant is an Illinois corporation whose headquarters are located at Deerfield, Illinois. Defendant employees more than 15 people. It is a covered entity under the Act;

II. JURISDICTION:

3. Original jurisdiction is conferred on this court by the 28 U.S.C § 1332 as this is a civil action between citizens of different states and the amount in controversy exceeds \$75,000. Pursuant to 28 U.S.C. § 1331, this court also has original jurisdiction over plaintiff's federal claims under the Americans With Disabilities Act (ADA) 42 U.S.C. 12110, *et.seq.*, and supplemental jurisdiction over plaintiff's wrongful discharge claims pursuant to 28 U.S.C. § 1367;

III. ADMINISTRATIVE EXHAUSTION:

4. Plaintiff has timely filed this Complaint after fully and completely exhausting all of defendant's, and any other administrative agency procedures;

IV. FACTS:

5. Plaintiff realleges all prior paragraphs;

6. Plaintiff was hired by defendant in 2005;

7. She was fired on June 23, 2014;

8. In 2012, plaintiff was placed on family medical leave from her job

because of mental issues arising from an accident that occurred on the job;

9. She was placed on leave because she suffered impairments that affected her in one or more of major life activities;

10. Before she was discharged, she informed defendant of her impairments and requested reasonable accommodation;

12. Before she was discharged she complained about what she believed, in good faith, to be disability discrimination;

13. Defendant discriminated and/or retaliated against her in one or more of the following ways:

- a. by subjecting her to a hostile work environment;
- b. discharging her because of her disability, record of disability or perceived disability;
- c. discharging her for asking for reasonable accommodation;
- d. discharging her because she complained of disability discrimination;
- e. refusing to make reasonable accommodation for plaintiff and refusing to return her to work;

14. As a result of her discharge, plaintiff has suffered and will suffer economic and non economic damages in amounts that will be proven at trial;

15. At all times pertinent herein, defendant acted with actual malice, or with reckless, willful and wanton disregard for plaintiff's rights under the Act, and Montana law, entitling her to an award of punitive damages in an amount determined by the jury;

FIRST CLAIM FOR RELIEF

16. Plaintiff realleges all prior paragraphs;

17. Defendant's conduct constitutes disability discrimination in violation of the Act;

SECOND CLAIM FOR RELIEF

18. Plaintiff realleges all prior paragraphs;

19. Defendant's conduct constitutes unlawful retaliation in violation of the Act;

THIRD CLAIM FOR RELIEF

20. Plaintiff realleges all prior paragraphs;

21. Plaintiff had completed defendant's probationary period of employment;

23. Plaintiff's discharge was not for good cause and defendant violated written provisions of its own personnel policy;

24. Plaintiff has suffered economic damages in loss of back pay and front pay, plus benefits, as will be proven at trial;

25. Plaintiff is entitled to recover her reasonable attorney's fees and costs as provided in the Act;

WHEREFORE, plaintiff seeks a judgment of this Court for:

1. Lost back pay, front pay and benefits, plus compensatory damages exceeding \$75,000;
2. Punitive damages based upon a percentage of defendant's gross revenues;
3. Attorney's fees and costs of this suit;
4. Equitable relief as this Court deems just.

JURY DEMAND

Plaintiff requests a jury trial.

Dated June 19, 2015.

/s/Terry Wallace
Terry Wallace.